REMARKS

Applicant appreciates the detailed examination evidenced by the Official Action mailed September 14, 2007 (hereinafter "the Official Action"). In response, Applicant maintains that the pending claims are patentable over the cited references for at least the reasons described herein.

Independent Claim 1 has been amended to correct an earlier error

Applicant has amended independent Claim 1 to correct an error introduced in Applicant's previous amendment. In particular, Applicant has amended independent Claim 1 herein to reinstate the recitation of "comprising".

The Independent Claims Are Patentable Over The Cited References

Claims 1-38 stand rejected under 35 U.S.C. § 103 over Sterkel in view of U.S. Patent No. 6,480,725 to Cassidy et al. ("Cassidy") and further in view of U.S. Patent No. 5,748,720 to Loder ("Loder"). *Official Action, page 2.* In response, Applicant respectfully traverses the rejection as even if these references were combined, the combination would not disclose or suggest: "transferring data to/from an electronic device when information used to register the electronic device with a wireless communications network is absent from the electronic device" as recited in independent Claims 1, 15, 29, 31, and 32.

Figure 5 of Sterkel is illustrative of why the enhanced services module does not disclose or suggest "transferring data to/from an electronic device when information used to register the electronic device with a wireless communications network is absent from the electronic device," as claimed. In particular, Figure 5 shows that (in step 504) subscriber information is transferred to the basic telephone. Then, in step 506, the subscriber information is used in authentication and registration operations. These two steps, at least, show that Sterkel requires the subscriber information before any transfer to/from the telephone is performed. Therefore, Sterkel does not say anything about any operations that can be performed when this information is absent from the electronic device.

Cassidy also does not disclose or suggest the recitations shown above to be missing from Sterkel. In particular, although Cassidy does discuss that the SIM may be absent from the device, in such cases **Cassidy uses information stored in the electronic memory to register a device with the network**:

> FIG. 3a shows the operation of a telephone according to an embodiment of the present invention when there is no SIM card present. That is, where the telephone used the ID data on the EEPROM 6 last time it was used and no SIM card has been inserted since. In this situation, the phone operation is that of a conventional phone solely having an internal information store (EEPROM 6). In this instance, the microprocessor 4 checks whether a security code is required (step 301). If no security code is required, the phone is ready to use. Alternatively, if a security code is required to be entered, the microprocessor 4 checks whether it has indeed been entered. Once the microprocessor is aware that the security code has been entered, that code is checked to see if it is correct (i.e. that it corresponds to the security code associated with the telephone) (step 203). Assuming the code is correct, the phone is then ready to use. *Cassidy, Column 5, lines 38-54.*

As shown above by the cited passage of Cassidy, if the SIM is absent from the telephone, the telephone relies on the information stored in the EEPROM 6 to register the device with the network (*i.e.*, to make the phone ready for use). Therefore, the device in Cassidy will use whatever information is available (*i.e.*, information on the SIM or in the electronic memory) to register the device with the network so that the device may be used.

However, Cassidy does not disclose or suggest the present claims because if a SIM that stored information used to register a device with the network were absent from the telephone in Cassidy, the telephone would simply rely on the information stored in the EEPROM to register the device with the network (so the device may be used). Therefore, even in cases where the SIM is absent from the telephone in Cassidy, the device still requires information that is used to register the electronic device with the network. Moreover, Cassidy says nothing about what operations are possible when such information is absent.

Loder also does not disclose or suggest the recitations shown above to be missing from Sterkel and Cassidy. To the contrary, Loder simply discusses removable SIM cards that are used to facilitate short term rental of GSM phones by including pre-payment information on the SIM. Moreover, the fact that Loder intends for the phone to be used by different subscribers does not disclose or suggest that information used to register the phone with the network is somehow included with the phone when the phone is un-used (*e.g.*, stored in an office waiting to be rented). To the contrary, Loder does not say anything other than the pre-payment information is included on the SIM card along with the registration information. In fact Loder teaches away from including this information in the phone (outside the SIM) as to

do so would enable the customer to remove the SIM (after rental) and keep using the phone without being charged (as the registration information would be still be in the phone).

In view of the above, Applicant respectfully submits that independent Claims 1, 15, 29, 31, and 32 are patentable over the cited references for at least the reasons described above. Furthermore, the dependent claims are patentable for at least the reasons described above in reference to the independent claims.

Many of the Dependent Claims are Separately Patentable

In addition to the reasons described above, many of the dependent claims provide separate bases for patentability. For example, the cited references (taken either singularly or in combination) do not disclose or suggest the recitations of dependent Claim 2, which recites in part:

> determining that a SIM used to store the information is absent from the electronic device; and
> determining if a transfer mode is enabled to allow transferring data while the SIM is absent from the electronic device.

In particular, even though Sterkel may contemplate the presence or absence of a SIM (*i.e.*, to enable it to transfer the authentication and registration information to the basic telephone), there is no disclosure suggesting determining if a transfer mode is enabled to allow transferring the data. In other words, even though Sterkel may describe a determination of whether the SIM is present or absent, there is no separate determination whether a transfer mode is enabled. To the contrary, Sterkel, at most, appears to only discuss transferring the authentication and registration information if it is present, but says nothing about what processing occurs if it is not present. Therefore, Sterkel can not be said to fail to disclose or suggest both determining whether a SIM is present and further, determining whether a transfer mode is enabled to allow the transfer of the data present on the SIM. Cassidy and Loder also do not disclose or suggest these recitations. Accordingly, Applicant respectfully submits that dependent Claim 2 is separately patentable over the cited references for at least these additional reasons. Furthermore, dependent Claims 8, 16, 22, and 33 include recitations similar to those found in dependent Claim 2 and are therefore separately patentable for these additional reasons as well.

Applicant also submits that dependent Claim 3 is patentable over the cited references as there is no disclosure or suggestion in any of the references (taken either singularly or in combination) of transferring data if the transfer mode is enabled and blocking transferring data if the transfer mode is disabled. As discussed above in reference to dependent Claim 2, none of the cited references actually discloses or suggests determining whether a transfer mode is enabled. Accordingly, there is also no disclosure or suggestion in the cited references of transferring data if the transfer mode is enabled and blocking transferring data if the transfer mode is disabled. In other words, there is no disclosure or suggestion in any of the references of, for example, having the information used to register the device with the network present in the device, but blocking the transfer of the data if the transfer mode isn't disabled. Applicant notes that dependent Claim 17 includes recitations similar to those discussed above in reference to dependent Claim 3. Accordingly, these dependent claims are separately patentable for at least these additional reasons.

Independent Claim 32 Is Also Separately Patentable

In addition to the reasons discussed above in reference to the independent claims, Applicant respectfully submits that independent Claim 32 is also separately patentable. In particular, independent Claim 32 recites in part:

> A method of transferring data from/to an electronic device comprising: transferring data from/to a first electronic device to/from a second electronic device when a removable Subscriber Identity Module (SIM) that stores information used to register the first electronic device with a wireless communications network is absent from the first electronic device, wherein the first and second electronic devices are associated with a common subscriber to the wireless communications network.

In particular, none of the cited references discloses or suggests, for example, transferring data as discussed above "wherein the first and second electronic devices are associated with a common subscriber to the wireless communications network". For example, as discussed in Applicant's specification:

> Figure 4A is a schematic diagram that illustrates embodiments of data migration where data is transferred from an existing radiotelephone 420 to a new telephone 421 as shown in Figure 4B. As shown in Figure 4B, a SIM card 422 is included in the existing radiotelephone 420 whereas the new radiotelephone 421 does not include a SIM card (Block 405). To transfer the data from the existing

> radiotelephone 420 to the new radiotelephone 421, the new radiotelephone 421 can be powered on (Block 410).
>
> The application starts in the new radiotelephone 421 and requests input as to whether the transfer mode is to be enabled for the new radiotelephone 421 (Block 415). The user enters the correct code to enable the transfer mode to configure the new radiotelephone 421 to receive data from the existing radiotelephone 420 over a communications channel 440 established therebetween (Block 420). The user begins the transfer of data from the existing radiotelephone 420 to the new radiotelephone 421 using, for example, a data transfer utility included with the existing radiotelephone 420 (Block 425). The SIM card 422 is removed from the existing radiotelephone 420 and inserted into the new radiotelephone 421, thereby completing the data migration form the existing radiotelephone 420 to the new radiotelephone 421 (Block 430). It will be understood that the order of the actions associated with some of the blocks in Figure 4B can be different in other embodiments. For example, in some embodiments according to the invention, the existing radiotelephone 420 can be powered on before the new radiotelephone 421. (*See Application; page 13, Line 19 - page 14, Line 5*)

As shown above in the cited passage from Applicant's disclosure, the data in one electronic device can be transferred to another electronic device (where both electronic devices are associated with the same subscriber) as part of a migration process so that a user is relieved from having to manually enter, for example, contact information into the new telephone. None of the cited references discloses or suggests this type of transfer from an existing radio telephone to a new radio telephone. For example, all of the references cited in the Office Action relate to communication between a mobile and a base station, not to transfer data between wireless terminals such as done in the migration process shown above and discussed in Applicant specification. Accordingly, Applicant respectfully submits that Claim 32 is separately patentable for at least these additional reasons.

CONCLUSION

Applicant has shown why even if the references were combined as alleged, the combination would not disclose or suggest all the recitations of the claims. Accordingly, Applicant respectfully requests the withdrawal of all rejections and the allowance of all claims in due course. If any informal matters arise, the Examiner is encouraged to contact the undersigned by telephone at (919) 854-1400.

Respectfully submitted,

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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on December 14, 2007.

Kirsten S Carlos